

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**CAYLA LUNEMANN, individually and on
behalf of similarly situated persons,**

Plaintiff,

v.

KOOMA III LLC,

Defendant.

CIVIL ACTION

NO. 23-3704-KSM

ORDER

AND NOW, this 13th day of May, 2024, upon consideration of Plaintiff's unopposed motion for preliminary approval of the class action settlement (Doc. Nos. 20, 21) and Plaintiff's memorandum in further support of the motion (Doc. No. 26) the Court finds as follows:

1. Plaintiff's motion is **GRANTED** for the reasons set forth in the accompanying Memorandum.
2. For settlement purposes only, the Court certifies the following settlement class who seek recovery under the Pennsylvania Minimum Wage Act pursuant to Federal Rules of Procedure 23(a) and 23(b)(3):
3. The Court preliminarily **APPROVES** the Settlement set forth in the Settlement Agreement (Doc. No. 20-1), which appears to be the product of serious, informed, and arm's-length negotiations between the Parties and appears to be fair, adequate, and reasonable to the Settlement Class so as to fall within the range of possible final approval.
4. The Court approves the proposed form and content of the notice (Doc. No. 26-1) and orders the Parties to proceed with dissemination of the notice as provided in the

Settlement Agreement (*see* Doc. No. 20-1.) The Court finds that the proposed process for providing notice to the Class as set forth in the Settlement Agreement fulfills the requirements of Federal Rule of Civil Procedure 23(c)(2)(B) and due process, provides the best notice practicable under the circumstances, and will provide adequate notice to all Class members.

5. Plaintiff Cayla Lunemann is appointed to act as representative of the Class pursuant to Rule 23 of the Federal Rules of Civil Procedure.
6. The following attorneys are appointed as class counsel pursuant to Rule 23 of the Federal Rules of Civil Procedure:

Peter Winebrake, Esquire
Winebrake & Santillo, LLC
715 Twining Road, Suite 211
Dresher, PA 19025
(215) 884-2491

Michelle Tolodziecki, Esquire
Winebrake & Santillo, LLC
715 Twining Road, Suite 211
Dresher, PA 19025
(215) 884-2491

7. Winebrake & Santillo, LLC is appointed as the settlement administrator.
8. By **June 17, 2024**, Class Counsel shall file with the Court any motion for attorneys' fees and costs and any motion for a service award for class representatives.
9. By **July 22, 2024**, Class Counsel shall file papers in support of final approval of the settlement agreement and response to any written objections. If they choose to do so, Defendant may file papers in support of the final settlement agreement by this date.
10. Defendant shall provide Class Counsel with the Excel spreadsheet containing each class member's name and last known residential address no later than **May 20, 2024**.

11. Class Counsel shall mail the notice packet to the class no later than **May 28, 2024**.
12. Class Counsel shall provide proof that notice was provided to class members in accordance with the parties' settlement agreement and this Order no later than **June 17, 2024**.
13. All opt-out requests and objections shall be due by **July 15, 2024**. Class members may not both object and opt out. In the event a class member both objects and opts out, the request to opt out will control.
14. Class members may opt out of the settlement by mailing a written letter to Class Counsel containing the following information:
 - a. The class member's full name.
 - b. The class member's address.
 - c. The class member's phone number.
 - d. The following statement: "I wish to be excluded from the Kooma Wage Lawsuit."
 - e. The class member's signature.
15. Class members may only opt themselves out; they may not opt out other class members, nor may a representative (such as an attorney) submit an opt out request on a class member's behalf.
16. Class counsel shall retain all opt out requests and file these requests with the Court under seal on or before **July 22, 2024**.
17. The settlement agreement shall not bind any class members who elect to opt out. If a class member does not opt out of the settlement, they waive the right to recover damages under the Fair Labor Standards Act.
18. Class members who wish to object to the settlement must mail a written objection to

Class Counsel. The objection must include the following information:

- a. The objector's full name.
- b. The objector's address.
- c. The objector's phone number.
- d. The reasons the objector objects to the proposed settlement agreement, including any legal basis for objection.
- e. The objector's signature.

19. Upon receipt of any objection, Class Counsel shall immediately file a copy of the objector's objection with the Court.

20. A Final Approval Hearing is scheduled for **Thursday, August 1, 2024 at 10:00 a.m.** in Courtroom 16-B of the James A. Byrne United States Courthouse, 601 Market Street, Philadelphia, PA.

IT IS SO ORDERED.

/s/ Karen Spencer Marston

KAREN SPENCER, MARSTON, J.